



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/799,572

03/11/2004

Arto Mattila

915-006.035

6484

4955

7590

07/10/2006

WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

TO, TUAN C

ART UNIT

PAPER NUMBER

3663

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,572

Applicant(s)

MATTILA, ARTO

Examiner

Tuan C. To

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12-17 and 19-35 is/are pending in the application.
- 4a) Of the above claim(s) 12-17 and 19-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

In response to applicant's communication dated on 06/28/2006 regarding the last notice of non-compliant amendment, the following corrective action is taken.

The period for reply of 3 MONTHS set in said Office action is restarted to begin with the mailing date of this letter.

A corrected copy of the last Office action is enclosed.

Newly submitted claims 21-35 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 21-34 is drawn to a computer program product. Claims 35 is drawn to an apparatus. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-35 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Election/Restrictions

Applicant's election with traverse of claims 1-8 upon the elected Group I, species shown in figures 2a, 4a, and 4b in the reply filed on 04/20/2006 is acknowledged. The traversal is on the ground(s) that claims 12-15 refer to claim 1 after the respective preambles and that claims 12-17, 19, and 20 are linking claims.

This is not found persuasive because the following:

In restriction requirement, the examiner not only showed separate classification but also provides the reasoning why said group were restrictable (i.e., combination/subcombination, process/apparatus, process/product). The applicant does

Art Unit: 3663

not argue that the group are not separable, but rather argues claims 12-17, 19, and 20 are linking claims. This is not persuasive. Clearly, a burden exists when more than one invention is claimed and requires numerous class/subclass searches. In addition, claims 12-15 are drawn to a computer program product for handling location information. Claims 16, 17, 19, and 20 are drawn to an apparatus for transmitting location information to a serving entity. This shows the claims of Group III and IV would be distinct from the claims of Group I.

The requirement is still deemed proper and is therefore made FINAL.

An action on claims 1-8 follows:

Specification

The abstract of the disclosure is objected to because it includes "(Fig. 2b for publication)". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 7 are rejected under 35 U.S.C. 112 (second paragraph) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 4 and 7, the terms "GET procedure" or "POST procedure" recited in the claims were held to be indefinite since it was not clear what applicant intended to cover by the recitation "GET" or "POST".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-8 are rejected under 35 U.S.C. 102 (e) as being anticipated by Jensen et al. (US 20040147268A1).

Regarding claims 1, 2, 5, and 8, Jensen et al. directs to a position location for WAP mobile entity comprising: generating an invocation response, said invocation response containing a location invocation document including at least an instruction directed to said networked entity to transmit location information being provided for performing location-based services being operated on a serving entity (Jensen et al., abstract; page 1, paragraph 0005 and 0006); binding said invocation response to a communication protocol defining a header section and a body section; said location invocation document being comprised in said body section (Jensen et al., paragraph 0040 and 0041), and transmitting said invocation response to said networked entity (Jensen et al., paragraph 0006).

As to claims 3 and 6, Jensen et al. further discloses that location invocation document is encoded as an XML-based (Jensen et al., paragraph 0038).

Art Unit: 3663

As to claims 4 and 7, Jensen et al. further discloses communication protocol is a wireless application protocol (WAP) (Jensen et al., paragraph 0038).

Conclusions

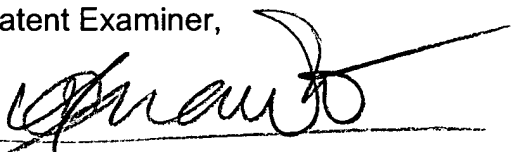
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,


Tuan C To

June 29, 2006